

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CLERK'S FILED 10/3/2000

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
JESUS MAGALLANES)
)
 Defendant.)

CIV 99-964 JP/LCS
CR 97-303 [REDACTED] JP

UNITED STATES' AMENDED REQUESTED FINDINGS OF FACTS

COMES NOW THE UNITED STATES OF AMERICA, by and through David C. Iglesias, United States Attorney for the District of New Mexico, and Mark D'Antonio, Assistant United States Attorney for said District, submits its Amended Requested Findings of Fact.

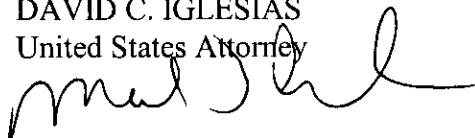
After a discussion with John Butcher, counsel for the defendant Jesus Magallanes, I agree that, although accurate and true to the record, paragraph II (A)(10) is misleading. To more accurately reflect the intending meaning, the United States would like to replace paragraph II (A)(10) with the following:

10. After the motion to suppress was denied, Gary Mitchell, on behalf of Magallanes, received two different plea agreements from the government. One proposed agreement was a conditional plea allowing the defendant the opportunity to appeal the suppression issue but lacked any stipulated adjustment. The other agreement was a traditional plea offer, which barred any appeals but included a non-binding stipulated reduction for acceptance of responsibility. Mr.

Mitchell also received a letter from Assistant United States Attorney Mythili Tharmaratnam explaining the proposed plea offers. (Tr. at 69)

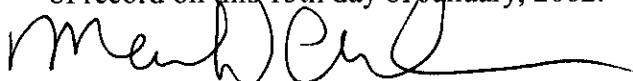
Respectfully submitted,

DAVID C. IGLESIAS
United States Attorney



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I HEREBY CERTIFY that a true copy of the foregoing pleading was hand delivered to opposing counsel of record on this 15th day of January, 2002.



MARK D'ANTONIO
Assistant U.S. Attorney
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